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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,684

09/21/2005

Paul Teichert

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EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3745

NOTIFICATION DATE

DELIVERY MODE

05/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/526,684	Applicant(s) TEICHERT, PAUL	
	Examiner Christopher Verdier	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009 and 30 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-50 is/are pending in the application.
- 4a) Of the above claim(s) 32, 33 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31, 34-41 and 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-11-05, 4-30-09</u> . | 6) <input type="checkbox"/> Other: _____ |

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Receipt and entry of Applicant's Preliminary Amendment dated March 3, 2005 is acknowledged.

Applicant's election with traverse of Species I in the reply filed on October 1, 2008 is acknowledged. The traversal is on the ground(s) that some or corresponding special technical features required by the PCT are the novel features of independent claim 25 that correspond to the novel features of independent claim 34, and that since all of claims 26-33 and 35-50 respectively depend from claims 25 and 34, and since the examiner has not demonstrated that the features of the independent claims are not known, under PCT Rule 13.1 all of the claims are linked by the novel features of claim 25, and corresponding novel features of claim 34.

This is not found persuasive because the independent claims are known in the prior art, and the species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Species I pertains to a wind turbine lifting arrangement along a wind turbine blade, located on a vehicle or the ground. Species II pertains to a wind turbine lifting arrangement along a wind turbine blade, located on a vessel. Species III pertains to a wind turbine lifting arrangement with a specific frame arrangement. Species IV pertains to a wind turbine lifting arrangement along a tower. Species V pertains to a wind turbine lifting arrangement with alternative frame details.

The requirement is still deemed proper and is therefore made FINAL.

Claims 32-33 and 42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inspection equipment, vision equipment, and measuring equipment (claim 48) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it contains the phrase “The invention further relates to” (last sentence) which is implied and should be deleted. Correction is required. See MPEP § 608.01(b).

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities: Appropriate correction is required.

The specification is replete with references to claims, which should be deleted.

For example, page 5, line 26 refers to claim 2, which is objectionable; page 6, line 4 refers to claim 3, which is objectionable; page 6, line 12 refers to claim 4, which is objectionable, etc. All references to the claims should be removed from the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 25-31, 34-41, and 43-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite claim language too numerous to mention in all instances. The following are several examples of indefinite claim language. The claims should be carefully reviewed for additional defects to ensure compliance with 35 U.S.C. 112, second paragraph. In claim 25, lines 2, 3-4, and 5 “similar construction” renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by “similar construction”), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). In claim 26, line 2, the phrase “or the like” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by “or the like”), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). In claim 26, line 3 and claim 27, lines 2-3, “similar construction” is indefinite as above. In claim 29, lines 3-4, “under control in relation to one or more fixture points on, in or at a vehicle, a vessel and/or on the ground by means of one or more lines” renders the claim indefinite, because the number of permutations is unclear due to the optional phrases “one or more”, “on”, “in”, “or at a vehicle”, “a vessel”, “and/or on the ground”, and “one or more lines”. In claim 34, lines 2 and 4-5, “similar construction” renders the claim indefinite as above. In claim 35, line 2, “or the like” renders the claim indefinite as above. In claim 35, line 3, “similar construction” renders the claim indefinite as above. In claim 37, line 2, “or the like” renders the claim indefinite as above. In claim 37, lines 2-4, “for control in relation to fixture points on, in or at a vehicle or a vessel or on the ground; and/or means for control in relation to a part of the wind turbine” renders the claim indefinite, because the number of

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permutations is unclear due to the optional phrases “on”, “in”, “or at a vehicle”, “or a vessel”, “or on the ground”, and “and/or means for control in relation to a part of the wind turbine”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-31, 34-38, 45-46, and 48, as far as they are definite and understood, are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent 101 18 906. Disclosed is a method for lifting and/or lowering of objects 2, 3 in connection with a wind turbine 1, the method comprising making an uplift device (the extensible jack) lift itself and/or lower itself in proximity of the wind turbine; controlling the uplift device in relation to the wind turbine; and supporting an object (the platform attached to the jack) by said uplift device. The object comprises a device arrangement for inspection and treatment of the wind turbine blade. Concerning claim 27, the object comprises a locking device (its pinned connection to the jack) for an establishing of an anchoring to a part of the wind turbine. Concerning claim 28, the method includes establishing an anchoring at the wind turbine, the establishing comprising: positioning the uplift device in the proximity of the wind turbine; allowing said uplift device to raise itself in a manner which is at least partly controlled; and bringing a locking device (which can be considered as element 2, 3, with the object being considered as the platform), which is

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borne by said uplift device, to grip around a part of the wind turbine in a releasable manner. The uplift device raises itself in a manner which is at least partly controlled, under control in relation to a fixture point on a vehicle. The uplift device raises itself in a manner which is at least partly controlled, under control in relation to a wind turbine blade or the wind turbine tower. The locking device is brought to grip around a blade in a vicinity of a root of the blade. Unnumbered means for controlling the uplift device (the jack) relative to the wind turbine are provided, and means for carrying (the platform) at least one object are supported directly by said uplift device. For the establishing of an anchoring on or at the wind turbine, the device further comprises a locking device 2, 3 having means for gripping around a part of the wind turbine in a releasable manner. Unnumbered means for control in relation to a part of the wind turbine (the jack control) are provided. Means for fastening of elements (the unnumbered pinned connections) for use in positioning, lifting, lowering of apparatus or parts are provided. A work platform is lifted and lowered in a treatment of a part of the wind turbine including a wind turbine blade. An unnumbered device is lifted or lowered for treating the wind turbine blade. Unnumbered inspection equipment is lifted and lowered for inspection of the wind turbine blade.

Claims 25-28, 30-31, 34-38, 44-46, and 48, as far as they are definite and understood, are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent 43 39 638. Disclosed is a method for lifting and/or lowering of objects 1, 2, 8 in connection with a wind turbine 10, the method comprising making an uplift device 7 lift itself and/or lower itself in proximity of the wind turbine; controlling the uplift device in relation to the wind turbine; and supporting an object 1, 2 by said uplift device. The object comprises a device arrangement for inspection and

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treatment of the wind turbine blade. Concerning claim 27, the object comprises a locking device 2 for an establishing of an anchoring to a part of the wind turbine. Concerning claim 28, the method includes establishing an anchoring at the wind turbine, the establishing comprising: positioning the uplift device in the proximity of the wind turbine; allowing said uplift device to raise itself in a manner which is at least partly controlled; and bringing the locking device, which is borne by said uplift device, to grip around a part of the wind turbine in a releasable manner. The uplift device raises itself in a manner which is at least partly controlled, under control in relation to a wind turbine blade or the wind turbine tower. The locking device is brought to grip around a blade in a vicinity of a root of the blade. Unnumbered means for controlling the uplift device (the hoist) relative to the wind turbine are provided, and means for carrying at least one object 2 are supported directly by said uplift device. For the establishing of an anchoring on or at the wind turbine, the device further comprises a locking device 2 having means for gripping around a part of the wind turbine in a releasable manner. Unnumbered means for control in relation to a part of the wind turbine (the hoist) are provided. Means (8 and the unnumbered connections) for fastening of elements for use in positioning, lifting, lowering of apparatus or parts are provided. The locking device is configured in such a manner that a loading of the device will result in a transfer of a force to said means for gripping in or around the blade of the wind turbine. A work platform 1 is lifted and lowered in a treatment of a part of the wind turbine including a wind turbine blade. An unnumbered device is lifted or lowered for treating the wind turbine blade. Unnumbered inspection equipment is lifted and lowered for inspection of the wind turbine blade.

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Claims 25, 27, 29-30, 34, 37-39, 41, 47, and 49-50, as far as they are definite and understood are rejected under 35 U.S.C. 102(b) as being anticipated by Engelsman 4,470,563. Disclosed is a method for lifting and/or lowering of objects (the trusses of 2 and elements 5) in connection with a wind turbine 1, the method comprising making an uplift device 3 lift itself and/or lower itself in proximity of the wind turbine; controlling the uplift device in relation to the wind turbine; and supporting an object 2 by said uplift device. The object comprises a locking device 5 for an establishing of an anchoring to a part of the wind turbine. The method further comprises allowing the uplift device to raise itself in a manner which is at least partly controlled, under control in relation to the ground by means of lines 5. The uplift device is allowed to raise itself in a manner which is at least partly controlled, under control in relation to a wind turbine blade. Means 5 for controlling the uplift device relative to the wind turbine are provided, and means for carrying at least one object 2 are supported indirectly by said uplift device. The device further comprises means 8 for fastening of elements 5 for use in positioning, lifting, lowering of apparatus or parts. The uplift device further comprises at least one round or annular element, which can be filled with an air or gas. The wind turbine including its blades are lifted and lowered. Making the uplift device lift itself comprises providing the uplift device with a gas lighter than air to cause an upwardly lifting force on the uplift device, the gas being helium.

Claims 25, 30, 34, 37-38, and 43, as far as they are definite and understood are rejected under 35 U.S.C. 102(b) as being anticipated by Ericson 1,035,431. Disclosed is a method for lifting and/or lowering of objects 26, 27 in connection with a wind turbine 13, the method comprising making an uplift device 25 lift itself and/or lower itself in proximity of the wind

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turbine; controlling the uplift device in relation to the wind turbine; and supporting an object (the pinned connection to 25) by said uplift device. The uplift device is allowed to raise itself in a manner which is at least partly controlled, under control in relation to a wind turbine blade.

Means 15 for controlling the uplift device relative to the wind turbine are provided, and means for carrying at least one object 27 are supported directly by said uplift device. Means for control 15 in relation to a part of the wind turbine are provided. The device further comprises means for fastening of elements (the pinned connections to 25, 26, and 27) for use in positioning, lifting, lowering of apparatus or parts. A control part 15 is provided, which, under influence of wind, can at least partly control a position of the device in relation to a wind direction.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abe is cited to show a wind turbine having a tower, which is raised and lowered. This reference could also have been applied as it anticipate at least claim 25 under 35 U.S.C. 102, but is not applied at this time in order to avoid multiple rejections.

Allowable Subject Matter

Claim 40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Verdier/
Primary Examiner, Art Unit 3745

Christopher Verdier
Primary Examiner
Art Unit 3745